

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Moshe Weiner  
Serial No.: 09/915,563  
For: FREE-HAND MOBILE MESSAGING - METHOD AND DEVICE  
Filed: July 27, 2001  
Examiner: Syed Zia  
Art Unit: 2431  
Confirmation No.: 7523  
Customer No.: 27,623

Attorney Docket No.: 0005843USU/4247

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant is submitting the present document concurrently with a notice of appeal for the above-noted application. Applicant is requesting that the Office review the rejection of the claims as set forth in an office action dated December 8, 2009 (hereinafter "the Office Action"). No amendments are being filed with this request.

Status of the Claims

Claims 1, 4 - 6, 8 - 18, 49 and 53 are pending in the application<sup>1</sup>, and stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0133423 to LaDue (hereinafter "the LaDue publication"), in view of U.S. Patent No. 5,966,667 to Halloran et al. (hereinafter "the Halloran et al. patent"), and in further view of U.S. Patent No. 5,023,718 to Soloff (hereinafter "the Soloff patent").

Clear Errors in the Examiner's Rejection

Claim 1 provides for a communication device. The communication device includes, *inter alia*, a character recognition device operable to recognize handwritten characters provided in messages and convert the hand written characters into text, wherein the communication device transmits the messages, with the text therein, via a communication network.

None of the LaDue publication, the Halloran et al. patent, or the Soloff patent includes the character string "handwriting", and none of the references describes a conversion of handwritten characters into text, or a transmission of a message that contains text that was converted from handwriting. Consequently, the cited combination of references neither discloses nor suggests a character recognition device operable to **recognize handwritten characters** provided in messages and **convert the handwritten characters into text**, wherein the communication device **transmits the messages, with the text therein**, via a communication network, as recited in claim 1. Thus, claim 1 is patentable over the cited combination of references.

The Office Action, on page 2, notes that in a paper that Applicant submitted on 15 SEP 2009, Applicant argued that:

None of the LaDue publication, the Halloran et al. patent, or the Soloff patent mention a conversion of handwritten characters into text. Consequently, the cited combination of references neither discloses nor

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<sup>1</sup> The Office Action indicates that claims 47 and 48 are pending, and lists claims 47 and 48 in the rejection. However, claims 47 and 48 were previously canceled. Claims 1, 4 - 6, 8 - 18, 49 and 53 are pending in the application.

suggests a character recognition device operable to recognize handwritten characters provided in messages and convert the hand written characters into text, wherein the communication device transmits the messages, with the text therein, via a communication network, as recited in claim 1.

Thereafter, the Office Action, in a passage that spans pages 2 - 3, states:

This is not found persuasive. The system of cited prior art clearly teaches a system and method where the communication data is encoded into several data frames, such that the data frames have the same frame format. The data frames are then transmitted through a wireless digital voice communication network. The data frames are then decoded for reconstructing the communication data. This enables providing an ASCII text file in the form of compressed video files through an unaltered digital air interface speech channel and ADPCM digital speech circuit.

As a result, cited prior art does implement and teach a system that relates image messaging in a communication network.

This passage in the Office Action does not mention any of (i) a character recognition device operable to recognize handwritten characters, (ii) a conversion of handwritten characters into text, or (iii) a transmission of messages with the text therein. As such, Applicant does not see how the passage rebuts Applicant's argument.

Additionally, with regard to the above-noted passage, the Office Action does not provide a citation to any of the references. However, the passage includes the phrase "an unaltered digital air interface speech channel", and Applicant found that the LaDue publication, in paragraph 0104, mentions "unaltered digital air interface speech channel". As such, Applicant is assuming that the passage is based on the LaDue publication, paragraph 0104.

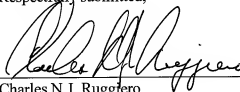
The LaDue publication, paragraph 0104 appears to describe features of a technique of compressing data. The LaDue publication, paragraph 0104, neither discloses nor suggests a character recognition device operable to **recognize handwritten characters** provided in messages and **convert the hand written characters into text**, wherein the communication device **transmits the messages, with the text therein**, via a communication network, as recited in claim 1. Accordingly, Applicant is maintaining that claim 1 is patentable over the cited combination of references.

Claims 4 - 6, 8 - 18, 49 and 53 depend from claim 1. By virtue of this dependence, claims 4 - 6, 8 - 18, 49 and 53 are also patentable over the cited combination of references.

Applicant is requesting reconsideration and a withdrawal of the section 103(a) rejection of claims 1, 4 - 6, 8 - 18, 49 and 53.

Applicant is also requesting that if the Office maintains the rejection, that the Office please provide a citation to a passage in a reference that discloses a character recognition device operable to recognize handwritten characters provided in messages and convert the hand written characters into text, wherein the communication device transmits the messages, with the text therein, via a communication network, as recited in claim 1.

Respectfully submitted,



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Date